

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RBC MANUFACTURING CORPORATION,

Plaintiff,

v.

POWER RIGHT INDUSTRIES, LLC
and LLOYD'S EQUIPMENT CO., INC.,

Defendants.

ORDER

13-cv-133-bbc

In an order dated March 26, 2013, dkt. #10, I concluded that defendants Power Right Industries, LLC and Lloyd's Equipment Co., Inc, failed to meet their burden to show in this case removed from state court that subject matter jurisdiction was present under 28 U.S.C. § 1332, which requires complete diversity of citizenship between the plaintiff and defendants and amount in controversy greater than \$75,000. In a previous order, dkt. #6, I had noted that defendants had failed to provide any information about the citizenship of the members of defendant Power Right Industries. Thomas v. Guardsmark, LLC, 487 F.3d 531, 534 (7th Cir. 2007) ("[A]n LLC's jurisdictional statement must identify the citizenship of each of its members as of the date the complaint or notice of removal was filed, and, if those members have members, the citizenship of those members as well"). Without that information, I could not determine whether plaintiff and defendants' citizenship was diverse.

Defendants have filed a motion for reconsideration in which they point to an affidavit

from the president of defendant Lloyd's Equipment, who avers that Lloyd's Equipment is the sole member of defendant Power Right Industries. Because there is already evidence in the record that Lloyd's Equipment is a citizen of California, plaintiff is a citizen of Wisconsin and Indiana and the amount in controversy is more than \$75,000, I will grant defendants' motion.

ORDER

IT IS ORDERED that defendant Lloyd's Equipment Co., Inc.'s motion for reconsideration, dkt. #10, is GRANTED. The order remanding the case to state court, dkt. #9, is VACATED.

Entered this 15th day of April, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge